

Members

Sen. Brent Steele, Chairperson  
Sen. Brent Waltz  
Sen. James Arnold  
Sen. Greg Taylor  
Rep. Vanessa Summers  
Rep. John Day  
Rep. David Frizzell  
Rep. David Yarde  
Gregory A. DeVries  
Judge Marianne Vorhees  
Robert Bishop  
Bruce Pennamped



## CHILD CUSTODY AND SUPPORT ADVISORY COMMITTEE

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Authority: IC 33-24-11-1

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### MEETING MINUTES<sup>1</sup>

Meeting Date: September 25, 2009  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 1

**Members Present:** Sen. Brent Steele, Chairperson; Sen. Brent Waltz; Sen. James Arnold; Sen. Greg Taylor; Rep. Vanessa Summers; Rep. John Day; Rep. David Yarde; Gregory A. DeVries; Judge Marianne Vorhees; Robert Bishop.

**Members Absent:** Rep. David Frizzell; Bruce Pennamped.

Senator Brent Steele, Chairperson, called the first meeting of the Indiana Child Custody and Support Advisory Committee (Committee) to order at 10:12 A.M. Senator Steele stated that the Committee would also meet on October 2, October 16, and October 30 and explained that the Committee would vote on any legislation and the final report at the last meeting.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

### **Testimony and committee discussion regarding relocation notification provisions**

Mr. Gregory DeVries, a Committee member and custodial parent, presented the problems that he encountered in trying to abide by the laws regarding relocation notification requirements when he relocated. He indicated that he followed the intent of the law by providing all the information that he had as soon as he had it to the court and to the mother of his son. He explained that he could not provide the required information to the court ninety days before his relocation as required under statute because he did not know when his house would sell or when he would find and close on another house. He stated that, although he did follow the intent of the law, he was frustrated throughout the process because he could not abide by the letter of the law. He stated that meeting the letter of the law regarding relocation notification requirements is very difficult. He questioned whether the ninety day notice requirements worked with the circumstances surrounding the buying and selling of houses.

In response to a question from Representative David Yarde, a Committee member, Mr. DeVries indicated that there were no consequences resulting from his failure to follow the letter of the law. However, he explained that the mother of his son could have made an issue of it if she had wanted to do so and that, under the relocation provisions, she could have sought a change of custody.

Mr. Stuart Showalter testified that he was a representative of the Indiana Custodial Rights Advocates. He stated that he was available for consultation with the legislators on child and custodial issues.

Senator Steele discussed IC 31-17-2.2-3(b), which allows an exception to the requirement that a relocating individual provide certain relocation information not later than ninety days before the date the relocating individual intends to move. IC 31-17-2.2-3(b) provides that if the relocating individual is unable to provide the information not later than ninety days before the relocating individual intends to move, the relocating individual must provide the information not later than ten days after the date that the relocating individual obtains the information. However, the relocating individual must provide the information not later than thirty days before the relocating individual intends to move to the new residence.

\_\_\_\_\_ Mr. Donald Beatty stated that the relocation law is too broad and that there is a gap in the relocation law in a situation where a parent has already relocated with a child. Senator Brent Waltz, a member of the Committee, noted that there are exceptions to most of the laws the legislature passes and that he is considering whether judges should have more discretion in relocation cases. Mr. Beatty also noted that different counties have different requirements regarding child support worksheets. Judge Marianne Vorhees, a Committee member, indicated that some counties require parties to fill out asset and debt worksheets, separate from child support worksheets. She stated that the judges she knows use the child support worksheets established under the Indiana Child Support Rules and Guidelines. Mr. Robert Bishop, a Committee member, indicated that federal regulations require prosecutors to use the child support worksheets established in the Indiana Child Support Rules and Guidelines.

\_\_\_\_\_ Senator Steele noted that the Committee members had received a copy of an email handout<sup>2</sup> from Ms. Connie Spence regarding her concerns with the relocation provisions.

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<sup>2</sup> Exhibit 1

**Other committee business**

Mr. Robert Monday from the Children's Rights Council stated that the Children's Rights Council consists of advocates for co-parenting. In response to a question from Mr. Monday, Senator Steele indicated that the Chief Justice of the Indiana Supreme Court had signed the changes to the Indiana Child Support Rules and Guidelines.

Mr. Monday explained that he had not known what was on the agenda for the Committee meeting, and the issue that he wanted to address had to do with the execution of paternity affidavits. He stated that he did not understand why Indiana law assigns sole custody to the mother when a man executes a paternity affidavit. He stated that the law should be gender neutral. He indicated that the best interests of the child are not applied in assigning sole custody to the mother of the child in this situation. He referenced the paternity affidavit statute under IC 16-37-2. Mr. Bishop explained that it is important to understand that there are federal regulations regarding hospital paternity affidavits and that he would review those federal laws and supply them to the Committee. Mr. Monday stated that the Committee should also look into issues involving violating someone's civil rights.

Representative Vanessa Summers, a Committee member, indicated that she would like the Committee to study the following issues: (1) Alternative means to make fathers pay delinquent child support other than jail time. (2) Requiring divorced parents to attend ongoing workshops or establishing other requirements to encourage parents to remain friendly for the best interests of their child.

In response to a question from Senator Steele, Judge Vorhees indicated that she had not had problems with the relocation provisions. She stated that it took people a little while to learn the requirements under the new provisions and that the provisions had been a very positive move from the former relocation statutes.

Senator Steele adjourned the meeting at 11:20 A.M.